

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SAMUEL L. WHITESIDE, #24366-038,)	
)	
Plaintiff,)	
vs.)	Case No. 21-806-JPG
)	
KATHY HILL, DAN SPROUL,)	
J. LeCLAIR, GUY PAGLI,)	
KATHERINE SIEREVELD,)	
MICHAEL D. CARVAJAL,)	
RUSSELL WYATT,)	
MIRANDA FAUST, and)	
UNITED STATES,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court for case management. On April 21, 2022, Plaintiff was ordered to notify the Clerk of Court of his new address no later than May 5, 2022, or this case would be dismissed. (Doc. 16). Plaintiff had been previously informed of his obligation to promptly submit any address change and the risk of dismissal if he failed to do so. The Notice of Impending Dismissal (Doc. 16) was mailed to Plaintiff at the Federal Correctional Institution at Terre Haute, Indiana, where he is currently housed according to the Federal Bureau of Prisons online inmate locator,¹ and the Notice has not been returned to the Clerk as undeliverable.

Plaintiff's May 5 deadline has passed, and Plaintiff has not provided the Court with notice of his change of address or communicated with the Court in any way. Accordingly, this case is subject to dismissal.

¹ See <https://www.bop.gov/inmateloc/> (last visited May 17, 2022).

Federal Rule of Civil Procedure 41(b) provides for dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order[.]” The Court finds that Plaintiff has failed to prosecute his claims and has failed to comply with an Order of this Court. For these reasons, this action shall be dismissed with prejudice. *See* FED. R. CIV. P. 41(b).

DISPOSITION

IT IS HEREBY ORDERED that this action is **DISMISSED with prejudice** pursuant to Federal Rule of Civil Procedure 41(b); *see generally James v. McDonald’s Corp.*, 417 F.3d 672, 681 (7th Cir. 2005); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Lucien v. Breweur*, 9 F.3d 26, 29 (7th Cir. 1993) (dismissal for failure to prosecute is presumptively with prejudice). All pending motions are **DENIED AS MOOT**.

If Plaintiff wishes to appeal the dismissal of his case, his notice of appeal must be filed with this Court within sixty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(B). A motion for leave to appeal *in forma pauperis* must set forth the issues Plaintiff plans to present on appeal. *See* FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). A proper and timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 60-day appeal deadline. FED. R. APP. P. 4(a)(4). A Rule 59(e) motion must be filed no more than twenty-eight (28) days after the entry of the judgment, and this 28-day deadline cannot be extended.

The Clerk is **DIRECTED** to close the case and enter judgment accordingly.

The Clerk is **FURTHER DIRECTED** to send a copy of this Order and the Judgment to Plaintiff at the Federal Correctional Institution at Terre Haute, Indiana, as well as to his address of

record at USP-Marion.

IT IS SO ORDERED.

DATED: 5/18/2022

s/ J. phil Gilbert
J. PHIL GILBERT
United States District Judge